

U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

DAVEON MCCULLOUGH,
Petitioner

CIVIL ACTION
NO. CV05-0674-A

VERSUS

WARDEN BURL CAIN,
Respondent

JUDGE DEE D. DRELL
MAGISTRATE JUDGE JAMES D. KIRK

JUDGMENT

For the reasons contained in the Report and Recommendation of the Magistrate Judge previously filed herein, and after independent (de novo) review of the record including the objections filed herein, and having determined that the findings and recommendation are correct under the applicable law;

IT IS ORDERED that McCullough's petition for writ of habeas corpus is GRANTED and McCullough is GRANTED a conditional writ of habeas corpus, ordering his discharge from custody unless the State of Louisiana returns him to the Ninth Judicial District Court, Rapides Parish, Louisiana, for re-arraignment within 60 days after the date of this Court's judgment.

THUS ORDERED AND SIGNED in Chambers at Alexandria, Louisiana, on this 9th day of January, 2008.



DEE D. DRELL
UNITED STATES DISTRICT JUDGE